

05-31-06

DAC#5

CASE ON/4-32326A



FILING BY "EXPRESS MAIL" UNDER 37 CFR 1.10

EV72248815645

Express Mail Label Number

May 30, 2006

Date of Deposit

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF

HEIKKI JOENSUU

INTERNATIONAL APPLICATION NO.: PCT/EP03/00802

FILED: 27 JANUARY 2003

U.S. APPLICATION NO: 10/502,534

35 USC §371 DATE:

FOR: TREATMENT OF RHEUMATOID ARTHRITIS USING IMATINIB

MS: Petition

Commissioner for Patents

PO Box 1450

Alexandria, VA 22313-1450

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JUN 05 2006

OFFICE OF PETITIONSPETITION TO REVIVE UNDER 37 CFR 1.137(b)

Sir:

Applicants respectfully request that the above-identified application be revived under the provisions of 37 CFR 1.137(b).

Applicants disagree with the Notification of Abandonment because Applicants timely filed a Response to the Notification of Missing Requirements mailed December 9, 2004.

In response, Applicants enclose a copy of the Transmittal Letter to the United States Designated/Elected Office Concerning a Filing Under 35 USC 371 (Second Submission) as well as a copy of the fully executed Declaration as filed on January 5, 2005 via Express Mail.

Applicants also provide a copy of the date-stamped postcard from the USPTO

07/13/2006 CSMDOT 00000002 190134 10502534
 Sale fee acknowledged receipt on January 5, 2005.
 01 FC:1617 130.00 DA

06/01/2006 NNGUYEN1 00000005 190134 10502534
 01 FC:1453 1500.00 DA

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 13 JUN 2006
 Legal Staff
 International Division

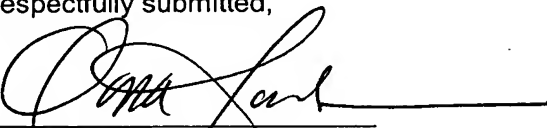
Applicants request that the Notification of Abandonment be withdrawn.

In accordance with 37 CFR 1.137(b)(2), the Commissioner is hereby authorized to charge the fee of \$1,500 required by 37 CFR 1.17(m) to Deposit Account No. 19-0134 in the name of Novartis. A duplicate copy of this Petition is also enclosed.

Novartis
Corporate Intellectual Property
One Health Plaza, Building 104
East Hanover, NJ 07936-1080
(862) 778-7852

Date: May 30, 2006

Respectfully submitted,



Oona A. Jackson
Attorney for Applicant
Reg. No. 48,152

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UNITED STATES PATENT AND TRADEMARK OFFICE

MAY 30 2006

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
 www.uspto.gov

U.S. APPLICATION NUMBER NO.

10/502,534

FIRST NAMED APPLICANT

Heikki Joensuu

ATTY. DOCKET NO.

ON/4-32326A

INTERNATIONAL APPLICATION NO.

PCT/EP03/00802

I.A. FILING DATE

01/27/2003

PRIORITY DATE

01/28/2002

001095

NOVARTIS

CORPORATE INTELLECTUAL PROPERTY

ONE HEALTH PLAZA 430/2

EAST HANOVER, NJ 07936-1080

CONFIRMATION NO. 7483

371 FORMALITIES LETTER



OC000000014695781

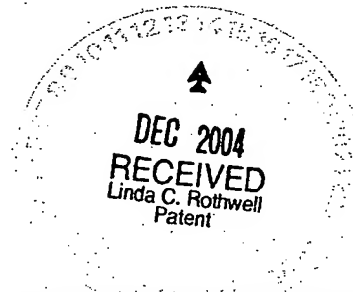
Date Mailed: 12/09/2004

LTM

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 07/26/2004
- Copy of the International Search Report filed on 07/26/2004
- Preliminary Amendments filed on 07/26/2004
- U.S. Basic National Fees filed on 07/26/2004
- Priority Documents filed on 07/26/2004



The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- \$130 Surcharge for providing the oath or declaration later than 30 months from the priority date (37 CFR 1.492(e)) is required.

SUMMARY OF FEES DUE:

Total additional fees required for this application is \$130 for a Large Entity:

- \$130 Late oath or declaration Surcharge.

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions

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DOCKETED FOR: Feb 9, 2005

of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

ANITA D JOHNSON

Telephone: (703) 305-3661

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/502,534	PCT/EP03/00802	ON/4-32326A

FORM PCT/DO/EO/905 (371 Formalities Notice)



FILED BY "EXPRESS MAIL" UNDER 37 CFR 1.10
EV 443788325 US
Express Mail Label Number
JANUARY 5, 2005
Date of Deposit

Form PTO-135 MOD (REV. 10-01-03)		U. S. Department of Commerce Patent and Trademark Office	ATTORNEY'S DOCKET NUMBER ON/4-32326A
TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A FILING UNDER 35 U.S.C. 371			U.S. APPLICATION NO. (If known, see 37 CFR 1.5) 10/502,534
INTERNATIONAL APPLICATION NO. PCT/EP03/00802	INTERNATIONAL FILING DATE 27 January 2003 (27.01.03)	PRIORITY DATE CLAIMED 28 January 2002 (28.01.02)	
TITLE OF INVENTION TREATMENT OF RHEUMATOID ARTHRITIS USING IMATINIB			
APPLICANT(S) FOR DO/EO/US HEIKKI JOENSUU			

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☐ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2. ☒ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. ☐ This express request to begin national examination procedures (35 U.S.C. 371(f)) at any time rather than delay examination until the expiration of the applicable time limit set in 35 U.S.C. 371(b) and PCT Articles 22 and 39(1).
4. ☐ A proper Demand for International Preliminary Examination was made by the 19th month from the earliest claimed priority date.
5. ☐ A copy of the International Application as filed (35 U.S.C. 371(c)(2))
 - a. ☐ is transmitted herewith (required only if not transmitted by the International Bureau).
 - b. ☐ has been transmitted by the International Bureau.
 - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☐ A translation of the International Application into English (35 U.S.C. 371(c)(2)).
7. ☐ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3)).
 - a. ☐ are transmitted herewith (required only if not transmitted by the International Bureau).
 - b. ☐ have been transmitted by the International Bureau.
 - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
 - d. ☐ have not been made and will not be made.
8. ☐ A translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371 (c)(3)).
9. ☒ An executed Declaration and Power of Attorney (original or copy) (35 U.S.C. 371(c)(4)).
10. ☐ A translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).

Items 11. to 16. below concern document(s) or information included.

11. ☐ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
12. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13. ☐ A **FIRST** preliminary amendment.
☐ A **SECOND** or **SUBSEQUENT** preliminary amendment.
14. ☐ A substitute specification.
15. ☐ A change of power of attorney and/or address letter.
16. ☐ Other items or information:

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17. ☒ The following fees are submitted:**BASIC NATIONAL FEE (37 CFR 1.492(a) (1)-(5)):**

Search Report has been prepared by the EPO or JPO \$950

International preliminary examination fee paid to USPTO (37 CFR 1.482)
..... \$750

No international preliminary examination fee paid to USPTO (37 CFR 1.482)
but international search fee paid to USPTO (37 CFR 1.445(a)(2)) \$790

Neither international preliminary examination fee (37 CFR 1.482) nor
international search fee (37 CFR 1.445(a)(2)) paid to USPTO. \$1,110

International preliminary examination fee paid to USPTO (37 CFR 1.482)
and all claims satisfied provisions of PCT Article 33(2)-(4). \$100

CALCULATIONS PTO USE ONLY**ENTER APPROPRIATE BASIC FEE AMOUNT =**

\$

Surcharge of \$130 for furnishing the oath of declaration later than ☐ 20 ☒ 30
months from the earliest claimed priority date (37 CFR 1.492(e)).

\$

130

CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE
Total claims	0	- 20 =	X \$ 18
Independent claims	0	- 3 =	X \$ 88
MULTIPLE DEPENDENT CLAIM(S) (if applicable)			+ \$ 300

\$

\$

\$

TOTAL OF ABOVE CALCULATIONS =

\$

130

Reduction of 1/2 for filing by small entity, if applicable. Verified Small Entity Statement must also be
filed (Note 37 CFR 1.9, 1.27, 1.28).

\$

SUBTOTAL =

\$

130

Processing fee of \$130 for furnishing the English translation later than ☐ 20 ☐ 30 months from
the earliest claimed priority date (37 CFR 1.492(f)).

\$

\$

TOTAL NATIONAL FEE =

\$

130

Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied
by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40 per property

\$

\$

TOTAL FEES ENCLOSED =

\$

130

Amount to be:	\$
refunded:	
charged:	\$

- a. ☐ A check in the amount of \$ _____ to cover the above fees is enclosed.
- b. ☒ Please charge Deposit Account No. 19-0134 in the name of Novartis in the amount of \$130 to cover the above
fees. Two duplicate copies of this form are enclosed.
- c. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to
Deposit Account No. 19-0134 in the name of Novartis.

NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or
(b)) must be filed and granted to restore the application to pending status.Send all correspondence to the address associated with
Customer No. 001095, which is currently:

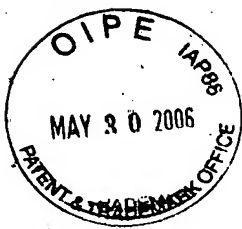
Novartis
Corporate Intellectual Property
One Health Plaza, Building 104
East Hanover, NJ 07936-1080

Lydia T. McNally
Lydia T. McNally
Attorney for Applicant
Reg. No. 36,214
(862) 778-7898

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EAST HANOVER, NJ 07936-1080
ONE HEALTH PLAZA
NOVARTIS
BLDG. 430

ATTENTION: CORPORATE INTELLECTUAL PROPERTY

POSTAGE WILL BE PAID BY ADDRESSEE

BUSINESS REPLY MAIL
FIRST-CLASS MAIL PERMIT NO. 1 EAST HANOVER, N.J.

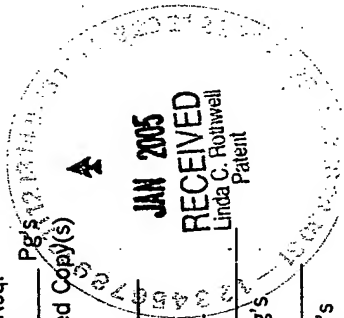


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IN THE
UNITED STATES



Case No. 0N/4-32326A
Application No. 10/502,534
Mailing Date: JAN. 5, 2005
Due Date: FEB. 9, 2005
Express Mail No.: EV 4437 883 2545
The Patent & Trademark Office acknowledges, and has stamped
hereon the date of receipt of the items checked below:

- ☐ Amendment/Response/Letter - Fee \$
☐ Appln. Filing Papers - Fee \$
☐ PCT National Stage
☐ Provisional Application
☐ RCE ☐ DIV ☐ CONT ☐ CIP
☐ Specification Pg's
☒ Executed/Unexecuted Decl. - Fee \$ 130
☒ Missing Parts/Missing Req.
☐ Preliminary Amendment Pg's
☐ Claim of Priority ☐ Certified Copy(s)
☐ Amendment After Final
☐ Notice of Appeal - Fee \$
☐ Appeal Brief - Fee \$
☐ Issue Fee Payment \$
☐ Assignment Rec. Req. - Fee \$ Pg's
☐ Formal Drawings Pg's
☐ IDS Pg's - Fee \$
☐ PTO-1449 Form Pg's
☐ Pet. for Ext. of Time - Fee \$
☐ Application Data Sheet
☐ Seq. Listings Pg's/Seq. Disk
☐



DT03 Rec'd PCT/PTO 05 JAN 2005

82972/99A Rev.1

Initials